

NEW JERSEY DEPARTMENT OF TRANSPORTATION TRANSPORTATION ENHANCEMENT PROGRAM

A. INTRODUCTION

On May 22, 1998, Congress passed the Transportation Equity Act for the 21st Century (TEA-21), authorizing highway safety, transit, and other surface transportation programs for the following six years. TEA-21 reflected a growing recognition that transportation initiatives must include consideration of our natural environment and the characteristics of surrounding communities. In anticipation of this years renewal this brochure explains how the New Jersey Department of Transportation (NJDOT), with the oversight of the Federal Highway Administration, administers one aspect of TEA-21, the Transportation Enhancement Program, and how perspective applicants may participate.

The Transportation Enhancement Program strives to ensure that transportation enhancements are an integral part of our transportation investment policy. The Program recognizes that the users of transportation systems are influenced and impacted by more than just the condition of highways and bridges; that there is a growing recognition that there is a need to enhance the cultural, aesthetic, historic and environmental aspects of our intermodal transportation system.

Transportation Enhancement funding is to be used to support non-traditional transportation projects developed at the local level to advance community based needs and goals consistent with the broad Program eligibility categories. The NJDOT prepared this brochure in recognition of the considerable interest in this unique funding opportunity. A prominent feature of TEA-21 is the wealth of opportunities for the public to contribute directly to enhancing the aesthetic and cultural qualities of the state, regional and local transportation systems. This brochure contains information on the application process, project eligibility and the selection process. The NJDOT's goal is to make this program and application process understandable and accessible to local governments and private non-profit organizations outside the traditional transportation community.

If you received this Brochure in the mail, an application was enclosed. You are encouraged to make copies for distribution to other interested parties. This brochure, the application and other information about this and other funding programs are located on the State of New Jersey Department of Transportation website at www.state.nj.us/transportation/business/localaid/funding.htm

B. ELIGIBLE ACTIVITIES

Transportation Enhancement funds are to be used only for projects with a direct transportation relationship that enhance quality-of-life while reaching the greatest number of people. Transportation enhancement activities are a means of more creatively and sensitively integrating transportation facilities into their surrounding communities. What distinguishes transportation enhancement activities from other worthwhile quality-of-life and environmental activities is their potential to create a transportation experience beyond normal expectations. At the same time, they may protect the environment and provide a more aesthetic, pleasant and improved interface between the transportation system for the communities and people adjacent to transportation facilities.

The TEA-21 provides the list of specific activities that are eligible:

1. *provision of facilities for pedestrians and bicycles*
2. *provision of safety and educational activities for pedestrians and bicyclists*
3. *acquisition of scenic easements and scenic or historic sites*
4. *scenic or historic highway programs (including the provision of tourist and welcome center facilities)*
5. *landscaping and other scenic beautification*
6. *historic preservation*
7. *rehabilitation and operation of historic transportation buildings, structures and facilities (including historic railroad facilities and canals)*
8. *preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian and bicycle trails)*
9. *control and removal of outdoor advertising*
10. *archeological planning and research*
11. *environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity*
12. *establishment of transportation-related museums.*

As you contemplate completing an application, please keep in mind that all funded projects must be advanced in accordance with federal and state laws, regulations and procedural requirements, some of which may prove to be onerous. A “typical” project may take 12-18 months of effort before the construction may begin.

C. QUESTIONS?

Throughout this brochure, we have tried to anticipate your questions and provide direction to help you through the application process. But we also recognize it is not possible to anticipate every question. We share your desire to have your application be the best it can be, so please, if you do need assistance feel free to call the NJDOT Division of Local Aid and Economic Development District Office in your area.

District 1 – Joe Jagniatkowski

Roxbury Corporate Center
200 Stierli Court
Mount Arlington, NJ 07856
Phone: (973) 770-5070/5068
Fax: (973) 770-5172
Hunterdon, Morris, Somerset,
Sussex, and Warren Counties

District 2 - Albert Maiocchi, PE

153 Halsey Street -5th floor
Newark, NJ 07102
Phone: (973) 877-1500
Fax: (973) 877-1556
Bergen, Essex, Hudson,
Passaic, and Union Counties

District 3 – Robert Werkmeister

Route 79 and Daniels Way
Freehold, NJ 07728
Phone: (732) 308-4002
Fax (732) 308-4003
Mercer, Middlesex, Monmouth,
and Ocean Counties

District 4 – Stephen Moy

1 Executive Campus
Route 70 West, 3rd Floor
Cherry Hill, NJ 08054
Phone: (856) 486-6618
Fax (856) 486-6771
Atlantic, Burlington, Camden,
Cape May, Cumberland, Gloucester,
and Salem Counties

D. WHO IS ELIGIBLE TO APPLY FOR FUNDS?

Any municipal or county government, non-profit organization or State agency may submit a Transportation Enhancement application. However, the municipal governing body in which the project is located must support projects. All applications from local agencies and non-profit civic groups should receive municipal governing body endorsement in the form of a resolution. Regional projects (affecting more than one municipality) should receive county(s) endorsement in addition to the endorsement of affected municipalities. Private organizations must have non-profit status and a Federal Tax ID number.

The federal funds for Enhancement projects are provided to the project sponsor on a reimbursement basis only. Sponsors must have the financial capability to advance project costs for materials and contractors. Before applying, prospective sponsors should assess their capability to comply with state and federal requirements for procurement of materials and services, accounting practices, right-of-way and easement acquisitions, environmental regulations and applicable design standards.

E. WHAT TYPES OF PROJECTS ARE ELIGIBLE?

Projects must fall into one or more of the twelve eligible Transportation Enhancement categories listed in TEA-21. Projects must have a *direct* relationship to a specific component or mode of the *surface* transportation system. An example would be the rehabilitation of a historic train station. Also, a project may function as a component of the transportation system such as a bike and pedestrian path.

Proposals must be for a complete, identifiable and usable facility or activity. Funds are not available for partial projects that cannot function as a complete and useful activity (independent utility). Funds are available for design, property acquisition or construction of projects, not planning documents or studies. Projects need to be designed to American Association of State Highway and Transportation Officials (AASHTO) standards, NJDOT's Planning and Design Guidelines for Bicycle and Pedestrian Facilities, Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Building, state and local building codes and all other applicable professional design standards.

To ensure that proposed projects protect and enhance the environment, the sponsor is responsible for securing all applicable environmental approvals. Enhancement projects must conform to the requirements of the National Environmental Policy Act (NEPA), the National Historic Preservation Act (Section 106) and the DOT Act - Section 4(f).

The Enhancement Program is designed to fund transportation related projects that are over and above what is considered routine construction and maintenance. The 12 eligible categories are specified in the TEA-21 legislation and described in some detail on the following pages in this brochure.

1. Facilities for pedestrians and bicycles

Eligible Transportation Enhancement projects in this category include providing bicycle and pedestrian facilities for safe accommodations either through construction of new facilities or improvements to existing facilities. The facilities *must* be transportation-oriented, and not solely for recreational purposes. However, if a recreation experience is gained as a result of the bicycle or pedestrian facility, this would not exclude the project from consideration. Bicycle and pedestrian facilities should connect community or regional activity centers such as businesses, schools, libraries, shopping and recreation areas. These projects will be given highest priority.

Bicycle and pedestrian facilities can be located within or outside of the highway ROW, and can include riding or walking surfaces, appurtenances, and related amenities. All projects in this category must comply with the Americans with Disabilities Act (ADA). The costs associated with compliance with the ADA are eligible only when they are incidental to the Transportation Enhancement project.

1. Facilities for pedestrians and bicycles

Sample Eligible Activities

1. Construction of new sidewalks, separate walking trails/paths, bike paths.
2. Adding bike lanes on existing roadways.
3. Widening curb lanes to accommodate bicyclists.
4. Installation of bike lockers at transit stations and bike racks on transit vehicles.

Sample Ineligible Activities

1. Construction of a running/jogging track (closed loop), mountain bike or similar recreation trail, or ice-skating rink.
2. Sidewalk or path maintenance or repair unless incidental to construction of a new path or sidewalk.
3. Developing a municipal or regional bicycle transportation master plan.
4. Resurfacing of a roadway, safety improvements such as guiderail, utility relocations and purchase of unnecessary right of way associated with Eligible Activities 3. And 4. listed above.

2. Provision of safety and educational activities for pedestrians and bicyclists

Funds may be used to develop and/or acquire training and educational materials, develop programs and conduct training to improve the knowledge of pedestrians and bicyclists regarding safe use of various components of the transportation system. These educational activities are similar to programs funded by the New Jersey Office of Highway Traffic Safety through the National Highway Traffic Safety Administration.

2. Provision of safety and educational activities for pedestrians and bicyclists

Sample Eligible Activities

1. Developing or acquiring bike safety training and educational materials.
2. Conducting training to improve knowledge of bicyclists and pedestrians.
3. Adding and/or improving road shoulders to accommodate bicyclists.

3. Acquisition of scenic easements and scenic or historic sites

This category promotes the protection of scenic and historic values through acquisition of scenic easements and historical sites adjacent to a scenic highway. This includes the use of funds to purchase, donate, transfer or trade land that possesses significant aesthetic, natural, or visual values, including acquisition of any property either listed or eligible for listing in the National Register of Historic Places. Funds may be used for appraisals, surveys, legal and purchase costs.

3. Acquisition of scenic easements and scenic or historic sites

Sample Eligible Activities

1. Acquisition, donation, or transfer of land that possesses significant aesthetic, natural, or visual values to preserve a scenic viewshed.
2. Acquisition of historic bridge, historic transportation terminal, historic building, and/or land around a historic site adjacent to a designated scenic highway.
3. Transaction costs, including appraisals, surveys, legal costs, etc.

4. Scenic or historic highway programs (including the provisions of tourist and welcome center facilities)

Eligible projects in this category include improvements to protect and enhance existing state or federally designated scenic or historic highways. Professionals qualified in the field of scenic, historic, cultural, natural and archaeological preservation should develop projects under this category. The NJDOT does not maintain a list of historic highways but will accept applications provided reasonable justification of the historic nature of the highway is included.

The construction of highway rest areas is not eligible; however, construction of a tourist or welcome center at a rest area would be. Tourist and welcome centers do not have to be at highway rest areas but do need to serve significant numbers of regional travelers.

4. Scenic or historic highway programs

Sample Eligible Activities

1. Installation of interpretive plaques, aesthetic guiderail, visually attractive bridge rails.
2. Restoration of historic highway-related features such as lighting, sidewalks, retaining walls.
3. Construction of tourist and welcome centers.
4. Development of scenic overlooks on state designated Scenic Byways or National Scenic Byways.
5. Reforestation of slopes along a scenic/historic highway corridor.

5. Landscaping or other scenic beautification

Activities included in this category enhance the aesthetic and environmental qualities of a transportation facility. Eligible projects include design and construction of overlooks and enhancements of scenic vistas, restoration of historic landscapes and construction of landscapes that are compatible with their surroundings such as street side plantings and appointments.

The most common activity within this category is the restoring or creating downtown centers by using urban design criteria that recognize the appropriate ambiance for the local community, or simply “streetscapes”. Information in such streetscape applications should address the types of activity, the history of the area, and scale of the project compared to the surrounding regional transportation system and environment. Reference to creating a sense of place and compatibility with the policies advocated in the State Development and Redevelopment Plan are encouraged by the NJDOT.

5. Landscaping or other scenic beautification

Sample Eligible Activities

1. Streetscape projects, including lighting, historic sidewalk paving, benches, planting containers, decorative walls, and walkways.
2. Linear highway landscaping, landscaping at interchanges, bridge ends, etc., and landscaping as part of other eligible Transportation Enhancement categories.
3. The reintroduction of native or endangered plants or trees.

Sample Ineligible Activities

1. Routine, incidental, or maintenance activities such as cutting grass, tree pruning or removal, erosion control, screen planting, etc.
2. Construction of noise barriers or drainage improvements.
3. Post-construction finish work such as replanting or reseeding.
4. Roadway resurfacing and parking lots.

6. Historic preservation

Funds may be used for acquisition, protection, rehabilitation, interpretation, restoration and stabilization of a historic district, site, building, structure, landscape or object included in or eligible for the National Register of Historic Places, or contributing to a National Register Historic District that is directly surface transportation related. Activities normally required to mitigate adverse impacts in the course of constructing roads or other transportation improvements are not eligible. The New Jersey Office of Historic Preservation must be consulted about all proposed historic preservation work on an approved historic preservation project, as per Section 106 of the National Historic Preservation Act of 1966.

6. Historic preservation

Sample Eligible Activities

1. Historic preservation of a transportation-related historic or archeological district, site, building, structure, landscape, or object.
2. Costs associated with identification, evaluation, recordation, documentation, curation, acquisition, protection, rehabilitation, interpretation, restoration, and stabilization of any historic or archeological district, site, building, structure, landscape or object.
3. Costs associated with actual stabilization and restoration of the historic elements of the structure, both interior and exterior.
4. Costs of contemporary upgrades of water, electric, heating, air conditioning, etc., when appropriate, to make building viable for continued public use.

Sample Ineligible Activities

1. Historic preservation of a house, post office, barn, fort, museum, etc., which has no direct link to the surface transportation system.
2. Restoration of rooms in a private mansion.
3. Replication/duplication of an historic building, structure, or site.
4. Installation of improvements designed for a particular non-transportation use such as cubical petitions, furniture, display cases, etc.
5. Work to make a site eligible for the National Register of historic Places.
6. Any project that would jeopardize the status of eligibility of a National Register building site, structure or object.

7. Rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals)

Buildings, structures and facilities include tunnels, bridges, trestles, embankments, railroads or other guideways, non-operational rolling stock, canals, viaducts, tow paths and locks, stations and other human-made transportation features integrally related to the operation, construction or maintenance of any mode of surface transportation, passenger or freight are eligible. Facilities must be listed in or be eligible for listing in the National Register of Historic Places.

7. Rehabilitation and operation of historic transportation buildings, structures, or facilities

Sample Eligible Activities

1. Restoration or rehabilitation of railway depots and rolling stock, roadway or pedestrian bridges (including timber bridges), trestles, embankments, rails or other guideways, canal viaducts, tow paths, locks, lighthouses or other historic transportation buildings.
2. Costs associated with stabilization and restoration of the historic elements of the building and structures in #1, both interior and exterior.
3. Costs associated with the contemporary upgrades of water, electric, heating, air conditioning, etc., when appropriate, to make building viable for public use.

Sample Ineligible Activities

1. Restoration or rehabilitation of a non-transportation related property located near a transportation facility.
2. Costs of creating improvements designed for a particular non-transportation use or tenant, such as cubical petitions, furniture, display cases, etc.

8. Preservation of abandoned railway corridors (including conversion and use for pedestrian or bicycle trails)

Activities include acquisition, rehabilitation and development of abandoned railway corridors for public uses, including bicycle and pedestrian use. The railway corridor must be authorized for abandonment or have abandonment proceedings pending before the ICC.

8. Preservation of abandoned railway corridors

Sample Eligible Activities

1. Purchase of abandoned rail corridor, including acquisition costs, title search, appraisals, etc.
2. Architect and engineering costs.
3. Development and construction costs, i.e., surface preparation, parking, rest rooms, picnic areas, etc.

9. Control and removal of outdoors advertising

This category includes the control and removal of existing outdoor advertising signs, displays, and devices which is in addition to the requirement to exercise “effective control” of outdoor advertising under existing federal law. The outdoor advertising must be within the scenic viewshed of a transportation facility. Priority will be given for proposed projects that are located on State-designated Scenic Highways, National Scenic Byways, or in areas where local or State laws ban new billboards.

Control and removal of outdoor advertising must accomplish a recognizable improvement to the scenic enjoyment of the traveling public. Expenditures made to remove signs; displays or devices must be made according to a legal process that bases payment on an equitable appraisal.

10. Archaeological planning and research

This category includes research on sites eligible for transportation enhancement funds; experimental projects in archaeological site preservation and interpretation; planning to improve identification, evaluation and treatment of archaeological sites; and data recovery. Sites must be on or eligible for the National Register of Historic Places or must show reasonable potential for possessing eligible archaeological resources.

11. Environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity.

Funds may be used for innovative facilities and programs reducing pollution from storm water runoff from transportation facilities that are in addition to current requirements and procedures for such mitigation. Funds may also be used to improve safety for wildlife by connecting large habitat areas where transportation facilities have bisected animal habitat, causing incidents of wildlife losses, especially losses of endangered species.

12. Establishment of Transportation-Related Museums

Transportation Museums established using Transportation Enhancement funds must meet the following requirements: 1) be open to the public and be a part of a legally organized not-for-profit institution or government entity; 2) be essentially educational in nature; 3) have one full-time paid professional staff member who has museum knowledge and experience; 4) present regularly scheduled programs and exhibits 5) have a formal program of documentation, care, and use of collections and/or tangible objects; 6) have a formal and appropriate program of presentations and maintenance of exhibits; 7) if entrance fees are charged a portion of the fee should be provided for the long term maintenance and operation of the facility; 8) establishment of transportation museums is interpreted to mean funding of capital improvements; and 9) the museum must be related to surface transportation.

12. Establishment of Transportation–Related Museums

Sample Eligible Activities:

1. Preservation of an historic transportation-related or non-transportation-related building for use as a transportation museum.
2. Restoration of the historic elements of the structure, both interior and exterior.
3. Cost associated with temporary upgrades of water, electric, heating air conditioning, etc. when appropriate, to make building viable for public use.
4. The building of a new surface related transportation museum, the addition of a transportation wing to an existing facility and the conversion of an existing building for use as a transportation museum.
5. The purchase of artifacts necessary for the creation of the museum.

Sample Ineligible Activities:

1. Reconstruction, refurbishing or rehabilitation of an existing museum, nor a portion of a museum, that is not for transportation purposes.
2. Displays, segments of buildings or objects not directly related to transportation.
3. Operations or maintenance of facility.

E. ELIGIBLE COSTS

Project costs eligible for funding include design, right-of-way acquisition and construction. Applicants may include costs for cultural resource surveys, and preliminary engineering; although these projects generally receive lower scores. Applicants are strongly encouraged to utilize their own funds or funds from other sources to pay for the costs of environmental documentation, design and all other “soft” costs. Projects seeking only construction or implementation costs will receive additional consideration on the construction-ready criteria. Every possible effort should be made to develop accurate cost estimates. A detailed cost estimate of the materials and tasks needed to accomplish the activities for which Enhancement funds are being sought, should be presented as an attachment to the application.

Please note: Any work that is performed on the project, surveys, preliminary engineering, final design, right-of-way acquisition, construction, etc. before it is formally authorized by the Federal Highway Administration (FHWA), will not and can not be funded through this program.

F. SUPPLEMENTAL FUNDING

The applicant should certify that all project costs will be met, either in combination with other sources, or solely through this program. The application must show that Transportation Enhancement funds in combination with committed or obligated funds from other sources cover 100 percent of the project cost.

Funds from this program can be used to match other dedicated or non-Federal obligated grants. While Enhancement funds do not require a match, projects with supplemental funding will score higher in that criteria.

G. PROJECT SELECTION CRITERIA

The basic requirements are that projects be directly related to transportation, fit into one of the twelve categories as outlined in Section III and be accessible to the public. A complete application must be received at the NJDOT headquarters by the deadline established for each year's Program.

As part of the application form, each applicant must discuss their project in terms of the Program selection criteria. Each project will be evaluated against specific applicable criteria within their respective project category. These criteria are:

- **Transportation related** - The degree to which a project is directly related to transportation. Projects must have a direct relationship to a specific component or mode of the surface transportation system. Applications for projects that are not directly related to transportation will not be evaluated. Remember the mandatory eligibility criteria is the required direct - transportation relationship of any proposed Transportation Enhancement project to the surface transportation system. Surface transportation means all elements of the intermodal transportation system, exclusive of aviation. For the purposes of TE eligibility, surface transportation includes water as surface transportation and includes as eligible activities related features such as canals, lighthouses, and docks or piers connecting to ferry operations, as long as the proposed enhancement otherwise meets the basic eligibility criteria. Only after meeting this initial requirement will a project be further evaluated to determine if it meets one of the twelve (12) project categories.
- **Construction ready** - Projects must be ready for construction or implementation within two years of the date that the Sponsor is notified of the project selection. The time frames to acquire permits, such as wetlands, local building permits, or official determinations by the State Historic Preservation Office bear on the construction readiness of the project. Applicants who indicate their willingness and capacity to commit other funds for all non-construction activities will receive additional consideration under this criterion. This includes demonstration that the necessary permits, approvals and environmental clearances also can be obtained within that time period.
- **Local commitment** - The applicant shall indicate and certify the continual ownership and maintenance by a municipality, county, the state or the sponsor for the useful life of the project. You should assume a commitment of maintenance for a minimum of 20 years after the construction is completed. A resolution or letter from the responsible party should be attached to the application.
- **Supplemental Funds** - The sources and amounts of other committed or dedicated funding from other governmental agencies and organizations shall be shown. Enhancement and other identified or dedicated funding sources must result in a completed and fully funded project. While there is no requirement for matching funds, the availability of other funds is viewed as an indication, or measure, of the projects potential to succeed.
- **User impact** - The predicted usage relative to area population and/or the extent to which it would promote the use of other, non-automotive forms of transportation shall be estimated.
- **Regional or community benefits** - The benefit to quality of life, community, and environment should be discussed. This includes the extent to which a project increases avail-

ability, awareness or protection of historic, community, visual or natural resources. Also, the extent to which the project links other transportation modes and increases access to community centers (schools, employment sites, recreation and shopping), and its visibility or impact on surrounding locations should be discussed.

- **Element of a larger plan** - Projects that are part of a state, regional or municipal transportation, land use or economic development plan will receive additional consideration in this category. Applications for projects within Designated Centers approved by the State Planning Commission will receive additional consideration. Particular attention may be given to projects consistent with the concepts contained in the State Development and Redevelopment Plan (SDRP). At a minimum, projects should be consistent with and help to implement the goals of these plans.
- **Timing/urgency** - Loss of the opportunity to complete the project without Enhancement funds such as irreversible deterioration of a historic structure or the loss of other funding sources without a match will be considered.
- **Economic benefit** - Projects that enhance New Jersey's travel and tourism efforts and contribute to the regional economy and projects which aid the economic recovery of aging downtown areas will be considered. Projects that are part of a local or state economic development program including the Governor's Urban Coordinating Council Neighborhoods or located within a municipality with a Strategic Revitalization Plan under the SDRP will receive additional consideration.
- **Value as a cultural resource** - For the *historic related categories*, these projects are scored on this additional criterion. Please explain the State Register of Historic Places or National Register of Historic Places and sites status. Also, indicate to what degree the project will enhance, preserve, or protect historical/archaeological resources.
- **Community support** - Letters of support from community organizations, citizens, all levels of government and elected officials, and any and all interested parties will be considered. This should include neighborhood or business associations, historical groups (if applicable) and local residents. All letters and endorsements must be attached (securely) to the application.
- **Urban Aid Communities** - Extra consideration will be given to projects located in the 140 Urban Aid Communities. As determined by the NJ Economic Development Authority.

I. PROJECT SELECTION PROCESS

The selection process for Transportation Enhancement projects includes the participation of a Transportation Enhancement Advisory Committee that is charged with applying the selection criteria as discussed in this brochure and preparing the recommended "shortlist" of projects for consideration by the Commissioner of Transportation. The Committee's recommended "shortlist" is not fiscally constrained by the actual Program budget.

The Transportation Enhancement Advisory Committee is made up from individuals representing the following organizations:

- South Jersey Transportation Planning Organization
- Delaware Valley Regional Planning Commission
- North Jersey Transportation Planning Authority
- New Jersey Office of Smart Growth
- New Jersey TRANSIT
- New Jersey Department of Transportation

Other organizations or individuals may be added to the Committee at the discretion of the Commissioner of Transportation.

A two-tier selection process is used for optimum consideration of all applications. The Federal Highway Administration (FHWA) - New Jersey Division Office observes and monitors the selection process providing comments when needed.

The Advisory Committee evaluates the applications within each category. NJDOT staff will visit each site and prepare comments for the Advisory Committee.

In the first tier evaluation, the Advisory Committee members evaluate each category of applications. The Department of Transportation will also use this review period to consult with other agencies with knowledge and experience that will benefit the selection of the best candidate projects. Projects are evaluated against each other within the appropriate category using the criteria presented in Section G. PROJECT SELECTION CRITERIA. The result is a short list of the highest rated projects in each broad category, equal to about twice the value of the program funds available.

In the second tier evaluation, short-listed projects are further reviewed by the NJDOT staff to establish technical feasibility (the time frame, design standards, permits needed, potential for environmental constraints on construction, etc.), to determine the accuracy of project costs and to ensure that the recommended group of projects meets the program goals. There are no preferred project cost levels or goals by category. However, the recommended project short is developed with consideration given to geographic distribution and the variety of projects.

Successful applicants will normally be notified that their proposal has been selected for funding within 6 months of the application submission deadline. If your application is chosen, you will be invited to a meeting with Department staff to learn more about the Implementation and Authorization Process. All selected projects are required to receive Federal authorization for construction within two years of the announcement.

Applications received by the deadline can be assumed complete unless notified by NJDOT staff within four weeks.

J. DESIGN GUIDELINES

Projects must be based on appropriate design standards. The NJDOT requires the use of licensed professionals in the design and construction of the projects. Qualified historic architects and/or archaeologists should assess projects involving historic resources.

K. APPLICATION GUIDELINES

The application due date is stated in the letter sent out by the NJDOT to all perspective applicants and shall be posted on the NJDOT website. Additional brochures and applications are available contacting your Local Aid District Office. All applications must be submitted to NJDOT headquarters on or before **12:00pm** on the date set forth in the annual program announcement.

Application Format

Ten copies of the application shall be submitted. Applicants are encouraged to include photographs with their applications to convey what will be accomplished.

IMPORTANT:

Label all attachments with the name of the project and county in which project is located. All pages, including the application, letters, endorsements and supporting information shall be on 8.5" x 11" paper and stapled or secured in the upper left corner of each application package. All letters, endorsements and other materials sent separately from the application will not be considered in the review. Photographs may be placed in envelopes and stapled to each copy of the application. We ask that you do not submit your applications in a binder. Binders are simply too bulky to distribute to the Advisory Committee members and don't fit in normal files. Please limit your application to 50 pages or less.

The following guidance is provided to assist you in the completion of your application:

1. **Project Title** - Be as descriptive as possible in no more than ten words.
2. **Location of Project** - List all affected counties and municipalities. Attach two 8.5" x 11" maps, a detailed local map and a regional map.
3. **Project Category** - Identify the type of project by checking the most appropriate category. NJDOT reserves the right to reassign category based on our review.

4. **Brief Project Description** - In 20 words or less, provide a summary description of the project. Use this description to indicate the size of the project in length or acres and if the activity is for construction, rehabilitation, acquisition, design, etc. This information is for data base purposes. Please, do not just repeat the Project Title.
5. **Applicant** - Provide the name, title, company, address and telephone numbers of the individual, and the non-profit organization, local government or agency submitting the application. If you are a non-profit organization, please indicate your status. Also, please provide your Federal Tax ID number. Official notification of the selection results will be sent to the individual whose name is shown in this section.
6. **Ownership** - Indicate the organization responsible for the long term maintenance of the facility or activity. Attach the resolution or letter of commitment to maintain the project once it is completed.
7. **Person Who Prepared the Application** - The name, title, professional registration, and telephone number of the person who prepared the application.
8. **Amount of Funding Requested** - State the amount of funding being requested from the Transportation Enhancement program.
9. **Total Project Cost** - State the total cost of the project. It may be that Transportation Enhancement funds cover only a portion of the total project cost.
10. **Project Cost Breakdown (Subtotals)** - State the full cost of listed project phases. Identify the phases anticipating Transportation Enhancement funding and the amount. In addition, please attach a copy of the total cost estimate computations including a breakout of the estimated costs for each element of the project.
11. **List Other Committed Sources of Project Funding and Amounts** - List all other sources of funds and the amounts that are obligated or committed to the project. The amount shown in this section plus the amount of Transportation Enhancement funds must equal the total cost in 9. Total Project Cost.
12. **Project Schedule** - Provide an anticipated project schedule with dates (month/year) to start and complete each phase of work.
13. **List All known Environmental and Construction Permits** - List all the environmental permits or historic reviews required and indicate obtained, pending, and not yet applied for, with dates, where applicable. Indicate historic preservation status with dates, where applicable, when the property was listed in the National Register of Historic Places, certified as eligible for the Register by the State Historic Preservation Office (SHPO), or registered by a Certified Local Government

14. Appropriate Endorsement - Projects must have a resolution(s) of endorsement from the appropriate governing body(s). To ensure that your endorsement receives full consideration it *must* be attached to your application. Also, letters of project endorsement from any and all interested parties should be attached to the application.

15. Project Description – please limit to three supplemental pages

- A. Describe, in as much detail as possible, the exact location and size of the project, the purpose, the full scope of the project, any physical connections and transportation linkages it provides, the tasks or project phases completed or will be completed.
- B. Describe the specific work to be done with Transportation Enhancement funds (design, acquisition, construction, restoration, rehabilitation, etc.). If available, please attach a site development plan.
- C. It may be that the Advisory Committee will not be able to recommend full funding of the described project, but would consider funding a lesser amount. If there is a smaller, stand-alone component that meets all the other criteria, please describe as above.
- D. If ongoing maintenance and operation of the proposed project will be necessary, describe how and by whom this will be done. Maintenance, operation, and liability costs and issues are the owner's responsibility.

16. Project Benefits - please limit to three supplemental pages

- A. Provide a short narrative on the benefits of the project and how it fulfills the objectives of the Enhancement Program, including the anticipated results, area-wide or statewide contributions, and new opportunities this project provides.
- B. List the appropriate criteria for your project and describe, for each, how the project meets the criteria.

17. Signature of Applicant - The signature must agree with the person named in Item 5.

L. MAILING INSTRUCTIONS

Please submit ***EIGHT (8) copies*** of the application to:
David A. Kuhn, Director
New Jersey Department of Transportation
Division of Local Aid and Economic Development
1035 Parkway Avenue
Trenton, New Jersey 08625

M. TRANSPORTATION ENHANCEMENT Q & A'S

1. The TE Guidance describes the new “relates to surface transportation” requirement. How will it change the TE application process?

Congress enacted this wording in TEA-21. The focus is now on a clear and credible description of how the proposed TE project directly relates to the surface transportation system. Surface transportation is defined to include all modes of travel with the exception of aviation, waterborne and military transportation. To determine a relationship to surface transportation, a project proponent should ask themselves a number of questions about the proposal. For example, in what way(s) is the project related to surface transportation through present or past use as a transportation resource? Is there a direct connection to a person or event nationally significant in the development of surface transportation? What is the extent of the relationship(s) to surface transportation? What groups and individuals are affected by the relationship(s), when did the relationship(s) start and end or do the relationship(s) continue? Is a relationship substantial enough to justify the investment of transportation funds? The TE Guidance states that proximity to a transportation facility alone is not sufficient to establish a relationship. Potential applicants are encouraged to carefully think through this part requirement before applying.

2. Under TEA-21, the value of donations of funds, materials, land or services made before a transportation enhancement project is approved can be credited towards the local match. Is there a limit as to how far in the past we can go in considering the value of such donations? How is their value calculated? Do you have an example of how to apply these credits?

The TE Guidance does not specify a time limit as to how far in the past we can go in considering the value of such donations. As a general principle, the Guidance invokes a test of reasonability, as determined in coordination with the FHWA division office. For determinations of what donated items can be used for the local match and how they are valued, the Local Aid District Office should be contacted. Determining whether a donation can be credited may also include an evaluation of whether its original acquisition is in accord with the Uniform Relocation Assistance and Relocation Act of 1970 and Title VI of the Civil Rights Act of 1964. Land donations must be clearly documented to support the value placed on them. To verify how to value donated services by private people to a government unit, see 23 U.S.C. 323(b) and Office of Management and Budget (OMB) Circular A-87, attachment B, item 11(i). To verify how to value donated services by private people to a private project sponsor, see OMB Circular A-122, Attachment B, item 12. OMB circulars are available on the World Wide Web at:

<http://www.whitehouse.gov/omb/circulars/index.html>

(You must use exact lower case and upper case)

These Office of Management and Budget (OMB) circulars are also available through the FHWA division offices. The value of any donations should be reflected in the overall cost of the TE project. The FHWA Office of Finance and Budget issued a February 4, 1997 memo entitled “Donations to Federal-aid Projects,” which gives a sample calculation of donation credits. It is available through the FHWA division offices. Refer to the TE guidance section “Summary of Requirements for Matching Funds.”

3. Some TE projects, such as restored historic facilities, may have parts of the space appropriately used for activities that are leased for a fee. Examples are restaurants etc., and leased offices in a portion of the historic building that would not necessarily be open to the public. How should states treat fees generated by activities in these spaces made available through TE funds?

Ideally for joint use activities that are part of the initial proposal for TE funds, a partnership is suggested to allow federal funds to be used only for the portion of the restoration for public use. Privately or commercially used segments of a restoration should have private investment. Before the TE project is approved, the sponsor, state DOT, and FHWA, if necessary, should reach a clear agreement on which areas are to be leased, what activities are appropriate, and how income generated by the facility is to be used. As the Guidance notes under the heading “Maintenance and Operations,” the state is responsible for long-term maintenance and operation of TE activities. The category “Rehabilitation and operation of historic transportation buildings, structures, or facilities” is the only TE activity that specifically allows the use of federal-aid TE funds for operations. As part of their maintenance and operations responsibility, states are encouraged to develop maintenance plans for TE activities. In accordance with good business practices, these plans would include reserves for long-term maintenance and periodic repair. Part or all of the fees generated by the activity should be a component of the maintenance plan.

4. What is the meaning of “a clear link to scenic or historic sites.”?

Congress introduced this terminology regarding tourist and welcome centers. This phrase can be interpreted broadly, however a clear linkage must be demonstrated. For example, if a tourist or welcome center provides substantial information about a particular scenic or historic highway program, or a scenic or historic site this could be considered part of the needed justification. Such information could include literature, directions, interpretive displays or videos shown to the public. To clearly be consistent with the language the Congress provided, the tourist or welcome center should be within close proximity to the scenic or historic highway site. Close proximity should be determined to be within a reasonable walking distance. If visitors can park at the tourist and welcome center and walk to the scenic or historic site (i.e. on short connecting foot trails), see it from a vista at the tourist and welcome center or view some of its attributes, then there is clear linkage. For scenic sites, if the location proposed is on a designated scenic route, and the proposed building site itself contains some of the qualities that make the route scenic (special landforms, vistas, cultural resources, etc.) that can be viewed from the tourist and welcome center, then linkage may clearly be established. The placement of a visitor’s information facility on a scenic or historic route would allow for a more direct connection and more easily satisfy the linkage requirements.

5. Is reconstruction (i.e. building a replica) of historic transportation buildings an eligible TE activity?

There is no provision for replication of a historic structure in the list of TE activities fundable with enhancement dollars. Rehabilitation and restoration of historic structures is a listed activity. Building a replica of a historic structure is not the equivalent of restoration of an existing structures. There is no terminology called reconstruction in the list of TE activities.

6. If a town which has condemnation authority, is acquiring land for a TE project, can it use the "voluntary transaction provisions" if they are willing to state that they will not use condemnation to acquire the property.

A public agency that has condemnation authority can participate in the voluntary transaction process if they put in writing that they give up that right if negotiations with the property owner fail (per 49 CFR 24.101).

7. Can fish passages qualify for TE funds even though there is no direct traffic-caused fish mortality? The need for the traffic to cross the stream causes the need for a structure at the stream.

Congress included the language "vehicle caused wildlife mortality" in the category of TE funding. Fish ladders or passages ordinarily would not qualify, except as a part of a larger project addressing mitigation of water pollution to address highway runoff where the runoff contributes to the mortality of aquatic species.

8. Can a locality donate land that could reasonably be called part of a TE project, even though it is outside the normal highway ROW?

The 23 U.S.C. 323 requires land that is donated be incorporated into the project to be eligible for a match. If not part of project scope, a donation of the property should not be used as a match. Land does not have to be within highway right-of-way to be eligible for donation for a TE project.

9. Is there specific language required in an easement agreement where TE dollars are used to acquire the easement?

FHWA's real estate staff has indicated that there is no standard template for property acquisition or standard easement language. There is also not specific language for inclusion in easement agreements for TE funded projects. Appropriate language should be developed for the specific project circumstances in cooperation with the FHWA Division Office.

10. Could TE funds be used for planning documents even if the documents do not necessarily lead to a project?

The TE guidance recommends against funding statewide planning and related documents with TE dollars, except where specific language is provided in legislation, "archeological planning and research". Planning that is an integral part of the development of a project may be considered an eligible expenditure.

11. Is it true that we can only restore historic buildings to house museums?

It is not true that we can only restore historic buildings to house museums. Establishing a transportation museum is not strictly tied to the historic nature of the structure it is housed in. Historic buildings maybe restored that are not necessarily a museum where a relationship to transportation is shown and all other eligibility requirements are otherwise met.

12. Are TE project involving privately held property allowed under the regulations and policies of the TE program?

Yes, TE projects involving privately held property is allowed under the regulations and policies of the TE program. It requires extra care in the development of the project agreement to insure that there is public access to a TE restored property and that the term of public access is comparable to the nature and magnitude of the investment of public funds. A requirement is also needed to assure the protection of the investment and for future necessary maintenance.

13. Can TE funds be used to restore military transport vehicles/vessels or create military museums?

TE funds may not be used in connection with active military vehicles/vessels, or those owned, maintained or otherwise controlled by the military with limited access to the general public. TE funds are intended to be used for the enhancement of transportation and transportation related activities for the general public. TE activities must be those listed in law, open to the general public, and responsibly maintained directly or in partnership with a public entity (Specific Federal funds may be used to match Federal-aid highway funds.

14. Are TE funds allowed to be used for traditional highway projects?

TE funds are not allowed to be used for the preservation of transportation corridors for future highway development. TE funds are to be used only for the non-traditional projects identified in TEA-21. TE projects are non-motorized transportation-related activities, except where specifically allowed in law. Exceptions are primarily limited to the rehabilitation and operation of historic transportation facilities, including historic railroad facilities, canals and water born vehicles.

15. Are snowmobiles allowed to be used on TE funded bike and pedestrian trails?

Snowmobiles generally may not be used on TE funded trails specifically designated for pedestrian and bicycles. However, they may be used on TE funded trails where local ordinances specifically allow their use. In other words, a local ordinance must be in place allowing snowmobile use.

16. May a State charge a user fee at a site in a program in which TE funds are involved?

A number of questions have been raised as to whether a fee may be charged for access to any property or services provided through funds made available for a TE activity. Generally, fees should not be charged for access to activities or projects funded with TE funds. Examples of limited situations in which a minimal fee may be charged are discussed below.

Examples might include admission fees to a transportation museum, or to an interpretive movie shown at a tourist center, and a fee for a scenic ride on a restored historic train. A fee may be appropriate where the proceeds from the charge are not excessive for the general public, and are by agreement instituted for the maintenance and operation of the TE funded resource. If a Federal, State or local law prohibits charging a fee, the State may not charge a user fee. For example, if a tourist or welcome center is on an Interstate Highway, no fee could be charged (see 23 U.S.C. Section 111(a)). Collected fees should be applied for the maintenance and long-term upkeep of museums, trails, or other TE-funded sites.

Where a State or project applicant proposes to use TE funds to acquire real property and lease or rent space, or otherwise charge a fee for access to the property, 23 U.S.C. Section 156, (unless an exception is granted by the Secretary), requires that fair market value be charged and that the Federal share of net proceeds from the transaction be applied by the State toward Title 23 eligible projects (i.e., Federal-aid projects of State-funded projects that are eligible for Title 23 funding). The term Areal property= refers to land and any improvements affixed to the land (i.e., the physical real estate), and all interests, benefits, and rights inherent (e.g., access control rights, air rights, etc.) in the ownership of the physical real estate. By agreement, provisions should also be made to have a portion of the funds used for the maintenance and operation of the TE funded resource. The common rule, 49 CFR Part 18, encourages grantees to earn income to defray program costs.

17. Should State DOT's and project proponents work closely with State tourism agencies in the implementation of TE activities?

Yes, State DOT's and project proponents should seek opportunities to coordinate with State tourism officials to help maximize economic benefits of the TE activity. State tourism agencies may provide helpful information such as; the identification of important area resources, assist in developing criteria for site selection, and offer suggestions towards implementation. States should consider including representation from the State tourism community as part of their TE advisory committee process. State tourism agencies should also be consulted with regard to the implementation of tourist and welcome centers.

18. What are the similarities and differences between Scenic Byways program and Transportation Enhancement program?

The Scenic Byways Program and Transportation Program are able to fund many similar activities. Some of the similarities include:

Activities eligible under the Scenic Byways program are generally eligible under TE activities where all applicable criteria have otherwise been met.

The eligibility for TE funding for the provision of tourist and welcome centers applies to both existing and new centers. This means that TE funds may be used for the construction of a new facility and/or the restoration of an existing facility. This would include those related construction actions necessary to provide the facility, such as interior fixtures and parking areas.

TE funds can be used to purchase and install items which support or interpret the scenic or historic highway program or site including brochure racks for interpretive materials, maps, or kiosks, markers, and scenic overlooks.

Some differences include:

TE funds cannot be used for statewide programs, marketing or promotion not related to the scenic or historic highway program.

TE funds cannot be used for staffing, operating costs, or maintenance.